

REMARKS

This Amendment is being filed in connection with a Request for Continued Examination (RCE), in response to the final Office Action issued on July 6, 2004. Applicants have submitted the RCE fee and the fee for a one-month extension of time. The Director is authorized to charge any additional fees due or credit any overpayment, to our Deposit Account No. 19-1090.

Summary of Prosecution History

In a first Office Action dated December 17, 2003, the original claim set consisted of claims 1-38. Applicants submitted a timely response to the first Office Action on March 16, 2004. A final Office Action was issued on July 6, 2004, and the Examiner rejected all the pending claims and further maintained non-enablement rejection under Section 112. Applicants filed a response to the final Office Action with claim amendments and corresponding remarks. The Examiner issued an Advisory Action on September 24, 2004, stating that Applicants' reply did not place the application in an allowable form and that Applicants' amendments and remarks have not been entered into the record. In a telephone conversation with the Examiner on October 4, which is recorded in an Examiner Interview Summary dated October 18, 2004, the Examiner agreed that a means of overcoming the Section 112 rejection includes substituting the term "statistics" with the term "odds." Further, the Examiner noted that the claim amendments made in response to the final Office Action might necessitate an additional search and further examination.

Hence, Applicants respectfully request reconsideration of the application in view of the amendments and remarks herein. Claims 2, 5, 7, 9-13, 16-19, 21, and 35 have been amended; claims 1, 6, 14-15, 28-34, and 37-38 have been canceled; and claim 39 has been added. Claims 2-5, 7-13, 16-27, 35-36, and 39 remain pending in this application. No new matter has been added to the application.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 5-7 under Section 112, first paragraph, because the specification purportedly does not enable a person skilled in the art to make the invention

commensurate within the scope with the claims. Claim 6 has been canceled, thus the remarks herein are directed to only claim 5 and claim 7.

In the telephone conversation with the Examiner, the parties agreed that the specification teaches that win/loss statistics for the primary player can be collected. The Examiner requested that the term "odds" be removed from the claims and the emphasis placed on the term "statistics." The Examiner stressed that collecting win/loss statistics for a primary player has no bearing on the odds of the primary player winning the next game played because the odds are determined by the game¹ itself. Applicants explained that knowing the win/loss statistics of a primary player does not guarantee that the primary player will win the next game, but these statistics could indicate to a secondary player the level of skill possessed by the primary player in a particular type of game and hence the primary player's ability to achieve the theoretical odds of the game through "perfect play."

Applicants respectfully submit that amended claims 5 and 7, each reciting "determining statistics for the primary player based at least in part on a past success rate of a number of primary wagers placed by the primary player" are enabled in the specification. Support for the enabling disclosure is found in the application on page 12, lines 24-29 and continued on page 13, lines 1-28. In addition, Applicants have removed any reference to the term "odds" from the claims.

Applicants respectfully submit that claims 5 and 7 are sufficiently enabled in the specification and respectfully request that the Examiner withdraw the Section 112 rejection.

Rejections Under 35 U.S.C. § 102(e)

Claims 2-4, 8, 9, 11-13, 18, 20-23, 25-27, 29, 31, 32 & 35 were rejected under Section 102(e) as being anticipated by Karmarkar (U.S. Patent No. 6,508,709). Applicants have amended each of the pending independent claims 2, 21 and 35 to place them in an allowable condition. The disclosure in Karmarkar is directed to the "second tier" or novice remote player that may not even understand the rules of the game (column 20, lines 14-17 and lines 45-51). In

¹ By way of example, it is understood that a casino may adjust the theoretical odds of a game by altering or adding rules, increasing the number of decks from which cards are dealt, or adding bars to a slot machine. A highly skilled primary player may match the theoretical odds, while a less skilled player will fail to match the theoretical odds.

addition, Karmarker teaches that the remote player visual selects the player to wager on by picking out the player shown on a video screen in real time or shown on prerecorded videotape. Claim 2 recites *inter alia* "transmitting the statistics about the at least one primary player to a secondary player;" and "the secondary wager being placed after the secondary player reviewed the statistics." Karmarkar does not disclose, teach or suggest to transmit the statistics or to permit the remote player to review the statistics. Thus, Karmarkar does not anticipate claim 2.

Likewise, claim 21 recites "transmitting the at least one statistic corresponding to the primary player to a secondary player" and "the secondary wager being placed after the secondary player reviewed the at least one statistic." Here again, this recitation is not disclosed, taught, or suggested in Karmarkar and thus Karmarkar does not anticipate claim 21.

Finally, claim 35 recites "a secondary wager input device to produce secondary wager information regarding a secondary wager placed on an anticipated outcome of the primary wager." Karmarkur does not disclose a secondary wager input device nor any component that is even similar; hence claim 35 is allowable over Karmarkar.

Rejections Under 35 U.S.C. § 103

Claims 5-7, 10, 16-19, 24, 30, and 36 were rejected under Section 103(a). Each of the recited claims depends either directly or indirectly from independent claims 2, 21, or 35. Applicants submit that the recited dependent claims are allowable because they depend on allowable, independent claims, as detailed above.

Conclusion

Overall, the cited references do not singly, or in combination, teach or suggest the recited features of the embodiments recited in independent claims 2, 21, and 35, and thus these claims are allowable. All intermediate claims depend from allowable independent claims and include additional limitations, thus the dependent claims are likewise allowable.

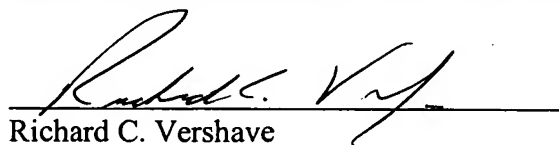
In light of the above amendments and remarks, Applicants respectfully submit that all pending claims are allowable. Applicants respectfully request that the Examiner reconsider this application and timely allow all pending claims. If the Examiner finds the claims allowable except for some minor informality, the Examiner is encouraged to contact

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Mr. Vershave by telephone to expediently correct any informality. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read "Richard C. Vershave", is written over a horizontal line.

Richard C. Vershave
Registration No. 55,907

RCV:jl

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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